

DOUGLAS T. SLOAN, City Attorney
CITY OF FRESNO

By: Francine M. Kanne, Chief Assistant City Attorney (#139028)
2600 Fresno Street, Room 2031
Fresno, California 93721-3602
Telephone: (559) 621-7500
Facsimile: (559) 488-1084

Attorneys for the CITY OF FRESNO

RE:

**RECORDS REGARDING
FACIAL RECOGNITION
SOFTWARE**

**RESPONSE TO PUBLIC RECORDS
ACT REQUEST FOR DOCUMENTS
(Govt. Code §6250, et seq.)**

The City of Fresno (City) responds to a request pursuant to the California Public Records Act (Gov. Code §6250, et seq.) by the Aaron Swartz Day Police Surveillance Project, regarding information for the period of January 1, 2015 to the date of this letter pertaining to facial recognition software, as follows:

Request No. 1 – Number, if any, of Facial Recognition software or Facial Recognition-enabled equipment in place with this department or agency. Please specify if software has been purchased or if services are performed by outside contractors for the department or agency. Please include pilot or testing programs within the scope of this request: The City objects to this inquiry on grounds the request seeks information and does not seek production of an existing public record. (Gov. Code § 6253(b).) Under the California Public Records Act, the City is not required to respond to inquiries that seek only information. Without waiving this objection, the City did not locate any potentially responsive documents for this request.

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1 **Request No. 2 – Any documents or correspondence during the period encompassing**
2 **this request regarding possible or planned acquisition of Facial Recognition software**
3 **packages, Facial Recognition-enabled equipment or service agreements:** After a diligent search
4 and reasonable inquiry of the City's records, the City did not locate any potentially responsive
5 documents for this request. Please note the City is still searching for potentially responsive emails
6 for this request. If potentially responsive email records exist, the City will provide a supplemental
7 response.

8 **Request No. 3 – Any existing or proposed usage policies regarding the use of Facial**
9 **Recognition software or Facial Recognition-enabled equipment, including protocols, training**
10 **documents, data storage procedures and prohibited activities:** The City objects to this request to
11 the extent it seeks disclosure of pre-decisional documents or drafts. (Gov. Code § 6254(k).) Without
12 waiving this objection, the City did not locate any potentially responsive documents for this request.

13 **Request No. 4 – Any current or past litigation involving or referencing this department**
14 **or agency involving the use of Facial Recognition software or Facial Recognition-enabled**
15 **equipment.** The City objects to this inquiry on grounds the request seeks information and does not
16 seek production of an existing public record. (Gov. Code § 6253(b).) Under the California Public
17 Records Act, the City is not required to respond to inquiries that seek only information. Without
18 waiving this objection, the City did not locate any potentially responsive documents for this request.

19 DATED: January 22 2019.

Respectfully submitted,

DOUGLAS T. SLOAN

City Attorney

By:

FRANCINE M. KANNE

Chief Assistant City Attorney

Attorneys for CITY OF FRESNO

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1 **PROOF OF SERVICE**
2 CCP §§ 1011, 1013, 1013a, 2015.5
3 FRCP 5(b)

4 STATE OF CALIFORNIA, COUNTY OF FRESNO

5 I am employed in the County of Fresno, State of California. I am over the age of 18 and not a
6 party to the within action; my business address is 2600 Fresno Street, Fresno, CA 93721-3602.

7 On January 02, 2019, I served the document described as **RESPONSE TO PUBLIC**
8 **RECORDS ACT REQUEST FOR DOCUMENTS** on the interested parties in this action ☐ by
9 placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing
10 list: ☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

11 Aaron Swartz Day Police Surveillance Project
12 MuckRock News
13 DEPT MR 66603
14 411A Highland Ave
15 Somerville, MA 02144-2516
16 Email: 66603-39953365@requests.muckrock.com

17 ☐ BY MAIL ☐ I deposited such envelope in the mail at Fresno, California. The envelope was mailed
18 with postage thereon fully prepaid.

19 ☐ As follows: I am "readily familiar" with the firm's practice of collection and
20 processing correspondence for mailing. Under that practice it would be deposited with
21 U.S. postal service on that same day with postage thereon fully prepaid at Fresno,
22 California in the ordinary course of business. I am aware that on motion of the party
23 served, service is presumed invalid if postal cancellation date or postage meter date is
24 more than one day after date of deposit for mailing in affidavit.

25 ☐ (BY PERSONAL SERVICE) I caused such envelope to be hand delivered.

26 ☐ (BY FAX) I caused the above-referenced document to be transmitted by fax to the addressee(s) at the
27 fax number(s) shown.

28 ☐ (BY OVERNIGHT COURIER) I caused the above-referenced envelope(s) to be delivered to an
overnight courier service for delivery to the addressee(s).

☒ (BY ELECTRONIC MAIL) I caused the above-referenced document to be transmitted by electronic
mail (e-mail) to the addressee(s) at the e-mail(s) shown.

Executed on January 02, 2019, at Fresno, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above
is true and correct.


Kimberly Hernandez